



## Department of Energy

Richland Operations Office  
P.O. Box 550  
Richland, Washington 99352

00-RU-0555

Mr. Philip O. Strawbridge  
Transition Manager  
BNFL Inc.  
2920 George Washington Way  
Richland, Washington 99352

Dear Mr. Strawbridge:

### REGULATORY UNIT (RU) COMMENTS ON BNFL RESPONSE TO RU ASSESSMENT OF THE INDEPENDENCE OF THE QUALITY ASSURANCE ORGANIZATION INSPECTION REPORT, IR-00-005

- References:
- (1) BNFL letter CCN 000001-B to D. C. Gibbs, RU, from A. J. Dobson, "...Response to Regulatory Unit Assessment of the Independence of the Quality Assurance Organization Inspection Report, IR-00-005," dated August 2, 2000.
  - (2) DOE letter 00-RU-0413 to P. O. Strawbridge, BNFL, from D. C. Gibbs, "Assessment of the Independence of the Quality Assurance Organization Inspection Report, IR-00-005," dated June 2, 2000.

Reference 1 contains the BNFL response to the Findings described in the Assessment of the Independence of the Quality Assurance Organization Inspection Report, IR-00-005 (Reference 2). The RU reviewed BNFL's response to the Findings and concluded that the response on the Finding regarding the independence of the Quality Assurance Organization (IR-00-005-01-FIN) was unacceptable and that the response on the stop work authority (IR-00-005-02-FIN) was acceptable. The RU has determined that the corrective actions performed should address the issues raised in Finding IR-00-005-02.

The RU has also determined that the actions undertaken by BNFL to address the potential "chilling effect" that resulted from the reassignment of the Project QA Manager should be adequate. However, the RU does not agree with the BNFL's characterization of the events that surrounded the reassignment described in the above inspection report. The fact still remains that the General Manager did not have the authority to reassign the Project QA Manager. The RU believes that an effective and healthy QA program must be independent from line management and that BNFL management exercised poor

judgment during and subsequent to the subject reassignment. As a result, the RU will take the actions described below.

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In the response letter (Reference 1), BNFL indicated that the conditions described in the inspection Findings contained evidence of failure to follow procedures and were therefore conditions adverse to quality. Furthermore, BNFL determined that these deficiencies were not reportable externally via the noncompliance tracking system. The RU agrees that the Stop Work Order Finding is a condition adverse to quality and is not reportable via the noncompliance tracking system. However, the RU disagrees with BNFL that the independence of the Quality Assurance Organization Finding is not reportable. Therefore, in accordance with DOE/RL-96-26, *Memorandum of Agreement for the Safety Regulation of the RPP-WTP Contractor*, the RU is required to inform the DOE Enforcement and Investigations staff of the regulatory noncompliances (DOE/RL-96-26, Enclosure A, Section 2.2, item 4.b). The RU will inform the DOE Enforcement and Investigations staff that this Finding indicates a “programmatic breakdown” with compliance with 10 CFR 830.120 (c) (3) (ii), “Independent Assessment.” This issue appears to meet the NTS reporting criteria discussed in Section 3, “Criteria for Reporting Noncompliance,” sub-Section 3.1.2, “Programmatic Breakdown,” of DOE’s Operational Procedure, “Identifying, Reporting, and Tracking Nuclear Safety Noncompliances under Price-Anderson Amendments Act of 1988,” dated June 1998.

The RU recognizes that the BNFL contract has been terminated and, as a result, the RU does not plan to take additional actions on this issue. Nothing in this letter should be construed as changing the Contract (DE-AC27-96RL13308). If you have any questions regarding this letter, please contact me or Pat Carier of my staff on (509) 376-3574.

Sincerely,

D. Clark Gibbs, Regulatory Official  
Office of Safety Regulation  
of the RPP-WTP Contractor

REG: PPC

cc: M. P. DeLozier, CHG